

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BERNEST BENJAMIN,

Petitioner,

v.

No. 17-cv-1274 JCH/SMV

**ATTORNEY GENERAL OF THE
STATE OF NEW MEXICO and GERMAN FRANCO,**

Respondents.

ORDER GRANTING PETITIONER'S MOTION FOR EXTENSION OF TIME

THIS MATTER is before the Court on Petitioner Bernest Benjamin's Motion for Extension of Time to File Motion to Show Cause [Doc. 13], filed on June 13, 2018. Petitioner moves for an extension of time in which to respond to the Court's April 9, 2018 Order Quashing February 15, 2018 Order To Show Cause, Granting Motion To Proceed *In Forma Pauperis*, and Ordering Petitioner To Show Cause [Doc. 7]. Petitioner contends that an extension of time is necessary because "his documents relating to this case [are] in storage and [he] has no access to them at this time." [Doc. 13] at 1.

Petitioner's request for an extension of time is well-taken and will be granted. Petitioner must file his written response to the Court's April 9, 2018 order to show cause within 30 days of the date of entry of this order. Failure to file a timely written response may result in the dismissal of Petitioner's § 2254 petition without further notice.

Petitioner also asks the Court to mail him his original § 2254 petition and attached exhibits [Doc. 13]. Local Rule 79.3 provides that "[t]he Clerk will charge the statutory fee to provide copies of documents. A person who requests that copies be mailed must provide a pre-addressed,

stamped envelope, unless otherwise approved by the Court.” D.N.M.LR-Civ. 79.3. The statutory fee for copies is \$.50 per page. *See* 28 U.S.C. § 1914(b) (providing for fees “as are prescribed by the Judicial Conference of the United States”); Judicial Conference Schedule of Fees (“The fees included in the District Court Miscellaneous Fee Schedule are to be charged for services provided by the district courts. . . . 4. For reproducing any record or paper, \$.50 per page”) (2016). Petitioner’s § 2254 petition and attached exhibits [Doc. 1] is 261 pages long. Therefore, to obtain a copy of his § 2254 petition and attached exhibits, Petitioner must submit to the Clerk of Court a check in the amount of \$130.50 and a pre-addressed stamped envelope with sufficient postage to cover the costs of mailing.

IT IS THEREFORE ORDERED that Petitioner’s motion for extension of time [Doc. 13] is **GRANTED**; Petitioner’s response to the Court’s April 9, 2018 order to show cause must be filed within **30 days** of the date of entry of this order; and Petitioner may obtain a copy of his § 2254 petition and attached exhibits by submitting to the Clerk of Court a check in the amount of \$130.50 and a pre-addressed stamped envelope as required by Local Rule 79.3.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge